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SENATE BILL 364

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Richard C. Martinez

FOR THE CORRECTIONS OVERSIGHT AND JUSTICE COMMITTEE, THE  
INFORMATION TECHNOLOGY OVERSIGHT COMMITTEE AND THE LEGISLATIVE  
HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO A STATE OF EMERGENCY; PROVIDING THE GOVERNOR WITH  
EXPRESS AUTHORITY TO ORDER AN EVACUATION DURING A STATE OF  
EMERGENCY; AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-20-6 NMSA 1978 (being Laws 1969,  
Chapter 281, Section 3) is amended to read:

"30-20-6. EMERGENCY RESTRICTIONS. --

A. During the existence of a state of emergency,  
the governor may, by proclamation, prohibit:

(1) any person being on the public streets, in  
the public parks or at any other public place during the hours  
proclaimed by the governor to be a period of curfew;

(2) any designated number of persons from  
assembling or gathering on the public streets, public parks or

underscored material = new  
[bracketed material] = delete

1 other open areas, either public or private, or in any public  
2 building;

3 (3) the manufacture, transfer, use, possession  
4 or transportation of ~~[any]~~ a device or object designed to  
5 explode or produce uncontained combustion;

6 (4) the transportation, possession or use of  
7 combustible, flammable or explosive materials in a glass or  
8 uncapped container of any kind, except in connection with the  
9 normal operation of motor vehicles, normal home use or  
10 legitimate commercial use;

11 (5) the possession of firearms or any other  
12 deadly weapon by a person in any place other than his place of  
13 residence or business, except for peace officers;

14 (6) the sale, purchase or dispensing of  
15 alcoholic beverages or other commodities or goods designated by  
16 the governor;

17 (7) the use of certain streets or highways by  
18 the public; ~~[and]~~

19 (8) all or part of the population from  
20 remaining in any designated area within the state if the  
21 governor deems such action necessary for the preservation of  
22 life or necessary to aid an emergency response, recovery or  
23 mitigation. In order to facilitate an evacuation, the governor  
24 may prescribe travel routes, transportation modes and assigned  
25 destinations and may provide for the availability and use of

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1 temporary, emergency housing for evacuees; and

2 [~~(8)~~] (9) other activities the governor  
3 reasonably believes should be prohibited to help maintain life,  
4 property or the public peace.

5 B. [Any] A proclamation issued [~~under~~] pursuant to  
6 this section becomes effective immediately upon its signing by  
7 the governor, but the governor shall give public notice of its  
8 contents through the public press and other news media. The  
9 restrictions may be imposed during times, upon conditions, with  
10 exceptions and in areas of the state designated by proclamation  
11 of the governor from time to time."

12 Section 2. EFFECTIVE DATE. --The effective date of the  
13 provisions of this act is July 1, 2003.

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